

February 6, 2023

VIA ELECTRONIC DELIVERY

Ms. Deborah Tackett
Preservation and Design Chief
Planning Department, City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

**Re: 1501 Collins, LLC / HPB20-0444 as modified by HPB22-0504
Amended and Restated Letter of Intent**

Dear Ms. Tackett:

Please accept this Amended and Restated Letter of Intent on behalf of 1501 Collins, LLC (the "Applicant"), in support of its application for the Historic Preservation Board approval of a modification of the Certificate of Appropriateness under File No. HPB20-0444, as modified by HPB 22-0504 (the "Application"), for the contributing structure known as the Bancroft building. The Bancroft building is located on that certain ± 0.48 acre (21,037 sq. ft.) parcel of land located at 1501 Collins Avenue in the City of Miami Beach (the "Property"), as shown in the aerial image below:



The purpose of this Amended and Restated Letter of Intent is to provide additional information relating to the proposed addition of a fire-rated enclosure to the building's main staircase.

I. The Property

The Property, located at the northeast corner of the intersection of Collins Avenue and 15th Street, has a City Comprehensive Plan Future Land Use Map ("FLUM") land use designation

of Mixed-Use Entertainment ("MXE"), is zoned Mixed-Use Entertainment ("MXE"), and is within the Ocean Drive/Collins Avenue local historic district. Among the permitted uses in the MXE land use and zoning districts are apartments, apartment hotels, hotels, hostels, and certain suite hotels and commercial development, and religious institutions with a limited occupancy. The Property is surrounded by a hotel to the north, a vacant lot, multifamily and commercial uses to the south, a residential condominium and the beach to the east, and hotel developments to the west. On the Property is the Bancroft building, a contributing 1939 building designed by architect Albert Anis in the Streamline Moderne style of architecture.

Over the years, the Property has been subject to various Historic Preservation Board, Design Review Board, and Planning Board Approvals for the partial demolition, renovation, and construction of the interior floorplates, an entertainment venue, and the existing courtyard commercial plaza. In 2020, following voter approval, the City Code was amended to allow the Historic Preservation Board's ability to approve the reconstruction of the Bancroft's original interior floor plates.

In 2021, the Property received approvals for the restoration of the historic Bancroft, a change of use from a restaurant and nightclub venue to an office building with accessory restaurants, and exterior modifications to the Ocean Steps Commercial Center on the east portion of the Property. Specifically, the Historic Preservation Board approved a Certificate of Appropriateness for the partial demolition, renovation, and restoration of the existing building, including the reconstruction of the original interior floor plates and a variance to reduce the required side setback facing a street setback (File No. HPB20-0444); and the Planning Board approved a Conditional Use Permit for a Neighborhood Impact Establishment that included the renovation of the historic structure and existing commercial uses, as well as the introduction of office use (File No. PB20-0416 and, together with HPB20-044, the "2021 Approvals").¹

In 2022, the Property received approval for modifications to the previously issued Certificate of Appropriateness pursuant to file no. HPB22-0504, which granted exterior design modifications and modifications to the original public lobby (the "2022 Approval").

II. Proposed Modifications

The purpose of this Application is to provide plan details that shall comply with the conditions of the 2021 Approvals, 2022 Approval, and comments received by Fire and Planning Department Staff. Specifically, this Application seeks approval of the following interior design elements within the ground level of the Bancroft building:

- (1) the addition of a fire-rated wall within the lobby required for a stairwell that is necessary for life-safety; and

¹ A companion Planning Board application is being processed under File No. PB23-0572 to modify the Conditional Use Permit (File No. PB20-0416) to reflect the Applicant as the new owner of the Property.

(2) modification of Condition I.C.1.h. of the 2022 Approval to permit the floor plan design for the placement of the bar in the lobby.

These minor interior modifications do not result in any changes to the previously approved development program for the project. The purpose of these improvements is to accommodate the life-safety requirements of the City, and to comply with the condition in the Certificates of Appropriateness, as modified, relating to the ground level bar location. The proposed modifications will not adversely impact the Bancroft building or the surrounding historic district. No variances are being requested in connection with the Application.

The stairwell in question has always been a part of and served as a means of ingress and egress for the Bancroft building. The Applicant has submitted plans that create active uses on the rooftop, which were historically part of the building, but have not been in use since the 1990s. As the Applicant proposes to restore active rooftop uses to enhance the operations of the building and restore the original, historic building maximally, there will be additional occupancy in the building. In order to safely accommodate this increased occupancy, the Fire Department requires enhanced life-safety measures for fire exits in the building. The Applicant had two options: 1) construct a new stair from the roof to the ground level, or 2) enclose the existing stairwell with a fire-rated wall on the ground floor.

The first option, constructing a new stair, is not ideal. In order to construct a new stairwell, the Applicant would either need to cut holes into each floor plate or would need to attach a stairwell to the exterior of the building. Both of these design options for a new stairwell would materially and negatively impact the historical integrity and aesthetics of the Bancroft building. A new interior stairwell would disrupt the existing floor plates and would alter the character of each level, as well as reduce the amount of usable interior floor area. Similarly, a new exterior stairwell would have a negative visual impact on the Bancroft building, diminishing its historic character.

The second option of installing a fire-rated wall to enclose the stairwell on the ground floor is far more feasible and significantly less troublesome to the character of the Bancroft building. In fact, the Applicant is proposing to install a glass wall that allows the Applicant to protect guests while avoiding any material interruptions to the lobby's visual character. The fire-rated glass wall would protect the existing stairwell that serves as a fire evacuation route located on the 15th Street side of the building (South wall of the lobby). Therefore, the Applicant is requesting Historic Preservation Board approval of the design of the fire-rated glass wall. This is the best option for satisfying the Fire Department's life-safety requirements while preserving the aesthetic integrity of this contributing building.

The Applicant's second request seeks to modify Condition I.C.1.h. on page 3 of 7 of the 2022 Approval, as follows:

FROM: "The bar area shall not be permitted within the central lobby of the Bancroft hotel."

TO: "The bar area may be permitted within the central lobby of the Bancroft hotel in a manner to be reviewed and approved by staff and/or directions from the Historic Preservation Board."

Approving this proposed modification would allow the Applicant to accommodate the life-safety requirements of the City, maintain the historic features of the interior, and utilize the property in the best manner possible for the project.

III. Compliance with the Certificate Appropriateness Criteria

The Project satisfies the Certificate of Appropriateness criteria set for in Section 118-564(a) of the Land Development Regulations, as follows:

(1) Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable compliance with the following:

- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.

Satisfied.

- b. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.

Satisfied.

(2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

- a. Exterior architectural features.

Satisfied.

- b. General design, scale, massing and arrangement.

Satisfied.

- c. Texture and material and color.

Satisfied.

- d. The relationship of subsections a., b., c., above, to other structures and features of the district.

Satisfied.

- e. The purpose for which the district was created.

Satisfied.

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

Satisfied.

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied.

- h. The original architectural design or any subsequent modifications that have acquired significance.

Satisfied.

- (3) The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied.

The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project. Satisfied.

Satisfied.

- b. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Satisfied.

- c. The proposed structure, and/or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the

appearance of the surrounding properties, or the purposes for which the district was created.

Satisfied.

- d. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied.

- e. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied.

- f. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.

Satisfied.

- g. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied.

- h. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied.

- i. Proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied.

- j. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied.

- k. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied.

- l. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied.

- m. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied.

- n. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied.

- o. In addition to the foregoing criteria, subsection [118-]104(6)(t), and the requirements of chapter 104, of the City Code shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not applicable.

- p. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

No variances are being requested with this Application.

IV. Sea-Level Rise and Resiliency Criteria

The Applicant has carefully considered seal-level rise protections and resiliency measures, and the proposed Project has been designed, and will be developed, to ensure resiliency and protection from sea-level rise and storm surges. The proposed Project complies with the criteria set forth in City Code Section 133-50(a), as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

Satisfied. The plan will be provided in connection with the building permit process.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied to the greatest extent possible for the historic structure.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Satisfied.

Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

Satisfied. The elevation of the subject property is consistent with the surrounding properties.

(5) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

Not applicable.

(6) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Not applicable.

(7) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Partially satisfied. The 1990s additions were raised to 3.5 feet. However, it is not feasible to raise the existing Bancroft floors.

(8) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter 54 of the City Code.

Not applicable.

(9) Where feasible and appropriate, water retention systems shall be provided.

Not applicable.

(10) Whether cool pavement materials or porous pavement materials shall be utilized.

Satisfied.

(11) The design of each project shall minimize the potential for heat island effects on-site.

Satisfied.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this Application. If you have any questions or require additional information, please feel free to contact me directly.

Respectfully submitted,

LSN Law, P.A.

A handwritten signature in blue ink that reads "Tracy Slavens". The signature is fluid and cursive, with the first name "Tracy" and last name "Slavens" clearly distinguishable.

Tracy R. Slavens, Esq.

Enclosures